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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA- SAN JOSE DIVISION

In Re:

FLETCHER BUD HYLER aka

BUD H. HYLER

Debtor.

FLETCHER BUD HYLER aka

BUD H. HYLER

Plaintiff,

vs.

ANDREA WIRUM, Trustee

Defendant.

CASE NO. 04-32952 TEC

ADVERSARY NO.

CHAPTER 13

**DEBTORS COMPLAINT SEEKING
INJUNCTIVE RELIEF PENDING
EMERGENCY MOTION TO STOP
AUCTION AND SALE OF WINE
INVENTORY AND ALLOWANCE OF
FINAL PAYMENT**

Pursuant to 11 U.S.C. § 362, the above-named Debtor requests that this court enter a
Order imposing a restraining order on the sale of Debtor's wine inventory scheduled for sale on
February 22, 2011.

COMPLAINT

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Jurisdictional Allegations

1. This adversary is proceeding under bankruptcy case number 04-32952 filed by Debtor Fletcher Hartwell Hyler aka Bud H. Hyler ("Debtor"). Venue is therefore proper under 28 U.S.C. § 1409(a)

Factual Allegations

2. Andrea Wirum ("Trustee") is the duly appointed Chapter 7 trustee assigned to administer the estate of Debtor.

3. Debtor and Trustee arranged a repayment schedule for Debtor to buy his liquor inventory out of the estate, in lieu of public auction.

4. Said repayment schedule was to be paid to trustee in four (4) installments. Three (3) of which have been made.

5. Debtor alleges Trustee accepted all three payments late.

6. The fourth payment was not accepted by Trustee.

7. Debtor has the funds to make the fourth and final payment and any fee's associated with the storage of said inventory.

8. Trustee not having accepted the final installment creates a severe financial hardship on Debtor.

9. With a restraining order in place, Debtor can proceed to file their motion to compel Trustee to accept payment and allow Debtor to purchase said inventory as agreed.

WHEREFORE, Debtor prays for a Temporary Restraining Order stopping any sale or transfer of the inventory.

Dated: February 22, 2010

/s/ Patrick Calhoun

Patrick Calhoun,
Attorney for Debtors